THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Confirmation No. 1112

Edwin Southern

Attorney Docket No. 2004 0200

Serial No. 10/772,467

Group Art Unit 1645

Filed February 6, 2004

Examiner A. Marschel

ANALYZING POLYNUCLEOTIDE SEQUENCES

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEE FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975.

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

	each U.S. Patent and U.S. Patent application publication;
0	each reference previously cited in the international application PCT/; and/or
[]	each reference previously cited in prior parent application Serial No.
[X] T	This Information Disclosure Statement is submitted:

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within three months of the filing date (or of entry into the National Stage) of the aboveentitled application, or

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

and thus no certification and/or fee is required.

1b.	[] This	Information Disclosure Statement is submitted
	Action	e events of above paragraph 1a and prior to the mailing date of a final Office or a Notice of Allowance or an action which otherwise closes prosecution in the tion, and thus:
	(1) [] tl	he certification of paragraph 2 below is provided, or
	(2) [] tl	he fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.
1c.	[] This	Information Disclosure Statement is submitted:
		e mailing date of a final Office Action or Notice of Allowance or action which se closes prosecution in the application, and prior to payment of the issue fee, and
	the cer	tification of paragraph 2 below is provided, and
	the fee	of \$180.00 specified in 37 CFR 1.17(p) is enclosed.
2.	It is her	eby certified
	a. []	that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
	b. []	that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.
3. []		eration of the following list of additional information (including any copending or ned U.S. application, prior uses and/or sales, etc.) is requested.

4.	For each	ch non-English language reference listed on the attached form PTO-1449, reference e to:
	a. []	a full or partial English language translation submitted herewith,
	b. []	a foreign patent office search report (in the English language) submitted herewith,
	c. []	the concise explanation contained in the specification of the present application at page,
	d. []	the concise explanation set forth in the attached English language abstract,
	e. []	the concise explanation set forth below or on a separate sheet attached to the reference:
5.	[] A fo	oreign patent office search report citing one or more of the references is enclosed.
6.	[] Stat	ement Under 37 CFR 1.704(d)
	cited ir	em of information contained in the Information Disclosure Statement was first any communication from a foreign Patent Office in a counterpart application, and mmunication was not received by any individual designated in §1.56(c) more than

7. [X] The cited references are documents and Declarations filed in the EPO and Japan in relation to opposition proceedings and appeals.

thirty days prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

Edwin Southern

By

Warren M. Cheek, Jr. Registration No. 33,367

Attorney for Applicant

WMC/dlk Washington, D.C. 20006-1021 Telephone (202) 721-8200 Facsimile (202) 721-8250 December 8, 2005

Sheet 1 of 13			INFORMA	TION DISCLO	SURE STATEMENT					
FORM PTO 1449 (n	•	TMENT OF COMMERCE	=	ATTY DOCE 2004_02			SERIAL N 10/772,4		OIPE	100
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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE		NAME	CLA	\ss	SUBCLASS	FILING DA	
	AA	4,216,245	8/1980	Johnson 427				2		_
	AB	4,395,486	7/1983	Wilson et al. 435		6				
	AC	4,563,419	1/1986	Rai	nki et al.	43	35	6		
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	DOCUMENT DATE COUNTRY CLASS SUBCLASS TRANSLATION YES NO									
	AD	0 235 726	9/1987		EP			***		
	AE	0 171 150	2/1986		EP					
	AF	85/01051	3/1985		wo					
	AG	0 268 237	5/1988		EP					
	АН									
		OTHER	DOCUMENT(S) (I	ncluding Autho	or, Title, Date, Pertine	ent Pages,	, Etc.)			
	AI	Declaration from Ra	domir Crkvenja	akov (with f	our exhibits), Se	eptembe	r 1996.			
	AJ	Declaration from Iva	n Labat , Sept	ember 1996	3.					
	AK	Statement from the 1996.	Institute of Mol	ecular Gen	etics and Genet	tic Engin	eering (IMGGE) in Be	elgrade, Septe	mber
	AL		atement by Professor Roger Ekins (with an abstract of a lecture given by him on 4/11/88 at a mposium, and a post-published paper corresponding to said lecture), December 1996.							
	АМ	Statutory Declaration	tutory Declaration of Dr. Nichlolas Vaughan Ashely (with Exhibit NVA1), May 1995.							
	AN	Statutory Declaration	n of Dr. Willian	n Bains (wit	h Exhibits WB1,	, WB2 a	nd WB3), May 1995.		
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	ВА	4,704,353	11/1987	Humph	nries et al.	4	135	4		
	ВВ	4,327,073	4/1982	Н	uang	4	124	1		
	вс	4,728,502	3/1988	Н	Hamill 422					
	BD	5,002,867	3/1991	Ма	cevicz		135	6		
			FORE	EIGN PATENT (DOCUMENTS	_				
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	BE	88/01302	2/1988	wo						
	BF	86/03782	7/1986	,	wo					
	BG	0 238 332	9/1987		EP					
	вн	2 156 074	10/1985		GB					
	ВІ	0 237 362	9/1987		EP					
		OTHER	DOCUMENT(S) (Including Author	r, Title, Date, Pertii	nent Page	s, Etc.)			
	BJ	Declaration of Profe	essor Lubert St	ryer, Januar	y 1997.					
	ВК	Statutory Declaration	n of Dr. Williar	m Bains, Jan	uary 1997.					
	BL	Statutory Declaration	n of Dr. Nichol	las Vaughan	Ashley, Janua	ary 1997	7.	· · · · · · · · · · · · · · · · · · ·		
	BM Declaration of Edwin Mellor Southern (with Exhibits EMS1 and EMS2), January 1998.									
	BN Declaration of Dr. Thomas Gingeras, January 1999.									
	BO Declaration of Professor Calvin Quate, January 1999.									
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	CA	5,202,231	4/1993	Drma	anac et al.	4	135	6			
	СВ	5,474,796	12/1995	В	rennan	4	127	2.13			
	СС	5,429,807	7/1995	Mat	son et al.	4	122	131			
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	CD	89/11548	11/1989	wo							
	CE	93/22480	11/1993		wo						
	CF	0 386 229	9/1990		EP						
	CG	0 281 927	9/1988		EP						
	СН	0 130 739	1/1985		EP						
	T	OTHER	DOCUMENT(S) (Including Autho	or, Title, Date, Pertir	nent Page	s, Etc.)				
	СІ	Declaration of Dr. G	ilenn Mc Gall, .	January 199	99.						
	CJ	Declaration of Edwi	n Mellor South	ern, July 20	01.						
	ск	Bird & Bird, "Claima Technology (OGT) v								gdom.	
	CL	Declaration of Marvi	in Stodolsky, C	october 199	6.						
	CM M. S. Urdea et al., "A novel method for the rapid detection of specific nucleotide sequences in crude biological samples without blotting or radioactivity; application to the analysis of hepatitis B virus in human serum", Gene, Vol. 61, 1987, pp. 253-264.										
	CN	C. G. Miyada et al., 1987, pp. 94-107.				es", Met	hods in	Enzymology, Vo	ol. 154, No. 6	5,	
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	DA	4,591,570	5/1986	C	Chang	4	36	518		
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	DOCUMENT DATE COUNTRY CLASS SUBCLASS TRANSLATION YES NO									
	DD	0 228 075	7/1987	EP						
	DE	84/03151	8/1984		wo					
	DF	0 194 132	9/1986		EP					
	DG	0 063 810	11/1982		EP					
	DH	0 130 523	1/1985		EP					
		OTHER	DOCUMENT(S) (I	ncluding Autho	or, Title, Date, Pertine	ent Page	s, Etc.)	****		
	DI	E. Calva et al., "Ana Gel Electrophoresis Chemistry, Vol. 255	, RNA-DNA Hy	bridization,	and RNase T1 I	abeled Digesti	Transcri _l on", The	ots from Coliph Journal of Bio	nage λ by ological	
	DJ	A. R. Dunn et al., "A mRNA and Discrete	Novel Method Multiple Regio	I to Map Tra	anscripts: Eviden iral Genome", C	nce for ell, Vol	Homolog . 12, Sep	gy between an otember 1977,	Adenovirus pp. 23-36.	
	DK	G. Wengler et al.,"A Alphaviruses", Virole				/ Betwe	en the N	lucleic Acids o	f Different	
	DL	J. M. Coffin et al., "S Sequence" Cell, Vol				e Leuk	emia Vir	us: A Termina	lly Redundan	t
*****	DM A. Palva et al., "Laboratory Methods, Quantification of α-Amylase mRNA in <i>Bacillus subtilis</i> by Nucleic Acid Sandwich with Hybridization", DNA, Vol. 7, No. 2, 1988, pp. 135-142.									
	DN	R. Drmanac et al., "presented at Cold S Spring Harbor, NY.	Sequencing of pring Harbor S	Megabase symposium	Plus DNA by Hy on Gene Mappir	bridiza	tion: The Sequence	eory of the Met cing, April 27-N	thod", abstrac May 1, 1988,	et Cold
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy this form with next communication to applicant.

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	EC	0 142 299	5/1985		EP					
	ED	86/06487	11/1986		WO					
	EE	84/03564	9/1984		wo					
	EF	86/00991	2/1986		wo					
	EG	92/10092	6/1992		wo					
		OTHER	DOCUMENT(S) (/	ncluding Auth	or, Title, Date, Pertin	nent Page	s, Etc.)			
	EH	R. Drmanac et al., " Harbor Symposium								g
	EI	I. Labat, "Subfragmo Report, Labat Thesi	ents as an info s, (and English	rmative cha	aracteristic of the	e DNA	molecule	- computer si	mulation", Se	arch
	EJ	R. Frank et al., "Sim Complete Methodol							Efficient and	I
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	EM	R. K. Saiki et al., "A Oligonucleotide Pro						DNA with Alle	le-Specific	
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy this form with next communication to applicant.

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	FH	A. Rosenthal et al., different eligodeoxy Research, Vol. 13, I	ribonucleotides	s using a ne	ew, mechanicall	nucleic y stable	acids I. S anion-e:	Simultaneous s xchange pape	sequencing o r", Nucleic Ac	f cid
	FI	B. Lewin, Ed., "Ger	nes", Third Edit	ion, 1987, _I	pp. 360-362, Jol	hn Wile	ey & Sons	s, NY, NY.		
	FJ	R. B. Wallace et al., Base Pair Mismatch	, "Hybridization ", Nucleic Acid	of Synthet Is Research	ic Oligodeoxyrib h, Vol. 6, No. 11	onucle , 1979,	otides to pp. 3543	O _x 174 DNA: 1 3-3557.	The Effect of	Single
	FK	G. Beltz et al., "Isola Methods", Methods	ation of Multige in Enzymology	ne Families , Vol. 100,	s and Determina No. 19, 1983, p	ation of p. 266-	Homolog 285.	ies by Filter H	ybridization	
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	FM	F. C. Kafatos et al., a dot Hybridization I	"Determination Procedure", Nu	of Nucleic	Acid Sequence Research, Vol.	Homo 7, No.	logies an 6, 1979,	d Relative Cor pp. 1541-1552	ncentrations I	ру
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		OTHER	DOCUMENT(S) ((Including Auth	or, Title, Date, Pertinen	nt Pages,	, Etc.)				
	GI	R. J. Lipshutz et al., Vol. 19, No. 3, 1995			robe Arrays to Ac	cess G	enetic [Diversity", BioTe	echniques,		
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	GL	H. M. Geysen et al., Methods, Vol. 102,			nalysis using Pep	ntide Sy	nthesis'	", Journal of Im	munological		
	GM	G. M. Church et al.,	"Genomic Sec	quencing", F	Proc. Natl. Acad. §	Sci., Vo	əl. 81(7)	, April 1984, pp	ı. 1991-1995	j.	
	GN	V. J. Kidd et al., "α ₁ Nature, Vol. 304, Ju			tection by Direct A	 Analysis	s of the	Mutation in the	Gene",		
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Sheet 10 of 13			INFORMA	TION DISCLO	SURE STATEMENT					
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				2004_0200 10/772,467 APPLICANT Edwin SOUTHERN						
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	JG	Kirk-Othmer, Encyclopedia of Chemical Technology, Third Edition, Vol. 15, p. 224, 1981.								
	JH	R. Polsky-Cynkin et al.,"Use of DNA Immobilized on Plastic and Agarose Supports to Detect DNA by Sandwich Hybridization, Clinical Chemistry, Vol. 31, No. 9, 1985, pp. 1438-1443.								
	JI	J. Welsh et al.,"Protein-DNA Cross-Linking" TIBS, Vol. 9, December 1984, pp. 505-508.								
	IJ	G. H. Parsons, Jr., "Antibody-Coated Plastic Tubes in Radioimmunoassay", Meth., Enzymol., Vol. 73, 1973, pp. 224-238.								
	JK	Southern et al., Genomics, "Analyzing and Comprising Nucleic Acid Sequences by Hybridization to Arrays of Oligonucleotides", Vol.13, 1992, pp. 1008-1017.								
JL										
EXAMINER DATE CONSIDERED										

Sheet 11 of 13 INFORMATION DISCLOSURE STATEMENT										
FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE				ATTY DOCE 2004_02			SERIAL I 10/772			
PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S)				APPLICANT Edwin SOUTHERN						
(Use several sheets if necessary) Date Submitted to PTO: December 8, 2005				FILING DATE GROUP February 6, 2004 1645						
			U.	S. PATENT DO	PATENT DOCUMENTS					
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME CLASS SUBCLASS				FILING D		
	КА	5,486,452	1/1996	Gore	don et al.	4	35	5		
	КВ	4,994,373	2/1991	Stavrianopoulos et al. 435		6				
	кс	4,968,602	11/1990	Da	Dattagupta 435		6			
	KD	4,961,915	10/1990	Martin 422 116				116		
	KE	4,849,330	7/1989	Hump	Humphries et al. 435 4					
	KF	4,451,433	5/1984	Yama	shita et al.	4	22	63		
	КG	5,202,231	4/1993	Dr	manac	4	35	6		
	КН	4,299,916	11/1981	Litm	nan et al.	et al. 435 6				
FOREIGN PATENT DOCUMENTS										
		DOCUMENT DATE COUNTRY CLASS SUBCLASS TRANSL NUMBER YES								ATION NO
	KI 84/01031 3/1984 WO									
		OTHER	DOCUMENT(S)	Including Autho	or, Title, Date, Pertin	ent Pages	s, Etc.)			
	KJ Webster's Third New International Dictionary, G & C Merriam Company, Publishers, Springfield, Massachusetts, USA, 1966, pages with the definitions of the terms "solid" and "sheet".									chusetts,
	кк	The American Heritage Dictionary, Second College Edition, Houghton Mifflin Company, Boston, Massachusetts, 1991, page with the definition of the term "smooth".								
	KL	The Dictionary of Ceramic Science and Engineering, Plenum Press, New York, NY, 1984 - definition of "smooth glass".								
	КМ	Academic Press Dictionary of Science and Technology, San Diego, CA , 1992 - definition of "smooth".								
	KN	S. F. Wolf et al., "Rapid Hybridization Kinetics of DNA Attached to Submicron Latex Particles", Nucleic Acids Research, Vol. 15, No. 7, 1987, pp. 2911-2926.								
	KO J. N. Kremsky et al., "Immobilization of DNA via Oligonucleotides Containing an Aldehyde or Carboxylic Acid Group at the 5' Terminus", Nucleic Acids Research, Vol. 15, No. 7, 1987, pp. 2891-2909.									Acid
EXAMINER DATE CONSIDERED										

Sheet 12 of 13			INFORMA	TION DISCLOSURE STATEMEN	T .						
FORM PTO 1449 (modified)				ATTY DOCKET NO. 2004 0200							
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S)				2004_0200 10/772,467 APPLICANT Edwin SOUTHERN							
(Use several sheets if necessary) Date Submitted to PTO: December 8, 2005				FILING DATE February 6, 2004			GROUP 1645				
			U.	PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME CLASS			SUBCLASS FILING DATE IF APPROPRIATE				
	LA										
	LB										
	LC										
			FORE	EIGN PATENT DOCUMENTS	•		•••				
	<u></u>	DOCUMENT NUMBER	DATE	COUNTRY	CI	SUBCLASS	TRANSLATION YES NO				
	LD										
	LE		-								
	LF										
	LG										
	LH										
	•	OTHER	DOCUMENT(S) (I	Including Author, Title, Date, Perti	inent Page	s, Etc.)			-		
	LI	Letter to Simon Kiddle from Dr. Renzo Malvano, November 2002.									
	LJ	Letter to Simon Kiddle from Dr. Gian Carlo Zucchelli, November 2002.									
	LK	Declaration of Professor Alberto Albertini, November 2002.									
	LL	Declaration of Dr. Gianni Messeri, November 2002.									
	LM	Second Statement of Professor Roger Ekins, January 2003.									
EXAMINER				DATE CONSIDE	RED						

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy this form with next communication to applicant.

Sheet 13 of 13 INFORMATION DISCLOSURE STATEMENT											
FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE				ATTY DOCK 2004_02		SERIAL NO. 10/772,467					
PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S)				APPLICANT Edwin SOUTHERN							
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	МА										
	МВ						- <u></u>				
	T		FORE	IGN PATENT	DOCUMENTS				 -		
		DOCUMENT NUMBER	DATE	CC	DUNTRY	CLA	SS	SUBCLASS	TRANSLA YES	NOITION NO	
	МС		:								
	MD										
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)											
	ME	Slides used in Professor Ekins' lecture at the International Biotech RIA '88 Conference in Florence on 11 th April 1988.							th		
	MF	Lev. D. Gelb and K.E. Gubbins, "Characterization of Porous Glasses by Adsorption: Models, Simulations and Data Inversion", Fundamentals of Adsorption, Vol. 6, 1999, pp. 551-556.									
	MG	Pharmacia Catalog	Pharmacia Catalogue 1998, page describing Hybond-NX.								
	МН	Translation of EP A	Translation of EP A 0197266 filed for UK national validation, 1991.								
	МІ	E. M. Southern, Award Molecular Bioanalytics 2004, Biography.									
	MJ	Award Molecular Bioanalytics 2004.									
	МК	Bio Array News, Vol. 1, No. 1, June 1, 2001, pp. 1-10.									
	ML News Events, Journal of Biomolecular Techniques, Vol. 15, 2004, pp. 152-153.										
EXAMINER					DATE CONSIDERED						

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy this form with next communication to applicant.